

January 8, 2018

Exhibit 4

UPDATE FROM ADJUDICATION ADVISORY COMMITTEE

By Holly Franz

January 8, 2018

The Adjudication Advisory Committee met November 7, 2017 to discuss the following list of potential legislation to amend the adjudication process:

1. Eliminate requirement to enclose abstracts in future decrees. § 85-2-231(1)(e), MCA.
2. Decouple state based rights from reserved rights in final decrees. § 85-2-234(5), MCA.
3. Eliminate requirement that final decrees must state findings of fact and conclusions of law for each water right. § 85-2-234(5), MCA.
4. Eliminate requirement that current uses be stated. § 85-2-234(7), MCA.
5. Eliminate requirement that older decrees be re-noticed division wide. § 85-2-237, MCA.
6. Create a deadline for filing motions to amend.

After discussion with Judge McElyea, the Adjudication Advisory Committee agreed to move forward with the following proposals:

- Proposal No. 4 to eliminate the requirement that the final decree state the current use or purpose for which the water is currently being used.
- Proposal No. 6 to create a deadline for filing motions to amend water right claims.
- Plus, a proposal to amend § 85-2-235, MCA, regarding appeals of Water Court orders.

A subcommittee of the Adjudication Advisory Committee including myself, private attorney Mike Cusick, DNRC attorney Brian Bramblett, and MT AG attorney Jay Weiner was tasked with drafting proposed legislative with a deadline of February 2018.